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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,240	06/20/2003	Chia Ching Chen	U-16	6683

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EXAMINER

WILLATT, STEPHANIE L

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E

**Office Action Summary**

Application No.

10/601,240

Applicant(s)

CHEN, CHIA CHING

Examiner

Stephanie L. Willatt

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 61. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the specification does not adequately explain the function of the "rubber 41B." How does the rubber securely hold the floss? Is the rubber (41B) supposed to be located in the center of the slotted shaft (41)? The rubber (41B) does not appear to be in the center of the slotted shaft (41) in Figures 4, 4A, 7, and 7A.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1, 2, 11, and 13 are objected to because of the following informalities:
- In claim 1, there is no antecedent basis for “the feeding device.”
  - In claim 1, it seems that words are missing at the end of the claim after “readily and properly.”
  - In claim 2, “a receiving chamber” is a double inclusion of “a receiving chamber” in line 2 of claim 1.
  - In claim 11, --to-- should probably be inserted between “anchored” and “the feeding device” in the last line.
  - In claim 13, “moveably” should probably be --moveable--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 4, 5, and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 4 and 5, the specification does not adequately explain the function of the "rubber 41B." How does the rubber securely hold the floss? Is the rubber (41B) supposed to be located in the center of the slotted shaft (41)? The rubber (41B) does not appear to be in the center of the slotted shaft (41) in Figures 4, 4A, 7, and 7A. Regarding claim 9, the specification does not disclose that the tensioner ejects the floss from the floss fork. It seems that the tensioner simply releases its hold on the floss.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 10, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ali (US 6,497,237).

Ali discloses a floss dispenser, which comprises a housing detaining at least a receiving chamber (rear portion 24) with a floss bobbin (spool 12) rotationally received

therein. A floss fork (arms 22) arranged at an end of the housing for bracing a section of floss (14) thereon. A first tension controlling device (wheel 40) arranged on the housing controlling the tension of the floss from the floss bobbin (spool 12). A tensioner (locking arm 50 and locking groove 52) is arranged adjacent to the feeding device so that it controls the tension between the floss bobbin (spool 12) and the floss fork (arms 22) during the flossing process. The tensioner (locking arm 50 and locking groove 52) is moveable so as to apply the tension to the floss or release the tension therefrom. The floss fork (arms 22) defines a guiding slot for properly guiding the floss.

8. Claims 1, 7, 8, and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bergman (US 6,874,509).

Regarding claims 1, 7, and 12, Bergman discloses in the embodiment of Figure 15B, a floss dispenser comprising a housing detaining at least a receiving chamber (compartment 16) with a floss bobbin (spool 14) rotationally received therein. A floss fork (F-shaped arm 8g) arranged at an end of the housing for bracing a section of floss (30) thereon. A first tension controlling device (winding gear 44) arranged on the housing controlling the tension of the floss from the floss bobbin (spool 14). A tensioner (post 134) is arranged adjacent to the feeding device so that it controls the tension between the floss bobbin (spool 14) and the floss fork (8g) during the flossing process. A feeding hole in the chamber (compartment 16) includes a threader (channel 18) with a passage located inside it. The housing provides a cutter (plate 138).

Regarding claims 1 and 11-14 Bergman discloses in the embodiment of Figure 16, a floss dispenser comprising a housing detaining at least a receiving chamber (compartment 16) with a floss bobbin (spool 14) rotationally received therein. A floss fork (F-shaped arm 8g) arranged at an end of the housing for bracing a section of floss (30) thereon. A first tension controlling device (winding gear 44) arranged on the housing controlling the tension of the floss from the floss bobbin (spool 14). A tensioner (tensioning button 24) is arranged adjacent to the feeding device so that it controls the tension between the floss bobbin (spool 14) and the floss fork (8g) during the flossing process. A feeding hole in the chamber (compartment 16) includes a threader (channel 18) with a passage located inside it. The floss routes from the receiving chamber (compartment 16) through a passage of the tensioner (tensioning button 24), through a guiding slot of the floss fork (8g), through notches (132) in the ends of the fork (8g), and around a post (axle 40). The tensioner (tensioning button 24) is moveable so as to apply the tension to the floss or release the tension therefrom. The floss fork (8g) defines a guiding slot for properly guiding the floss.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (US 6,497,237) in view of Brown (US 6,363,949).

Ali discloses the features discussed above, but does not disclose a transparent cover for the receiving chamber. Brown discloses a transparent cover (lid 5) for a receiving chamber, as discussed in column 4, lines 46-49. The cover (lid 5) is transparent so that the user can see how much floss is left when the cover is closed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the floss dispenser of Ali with a transparent cover, as taught by Brown, in order to allow the user to see how much floss is left when the cover is closed.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (US 6,497,237) in view of Lo (US 6,089,241).

Ali and Brown disclose the features discussed above, but do not disclose a threader. Lo discloses a threader (waterproof block 13) in a feeding hole. The threader (waterproof block 13) keeps the spool from becoming contaminated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a threader in the feeding hole of Ali, as taught by Lo, in order to keep the spool from becoming contaminated.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (US 6,497,237) in view of Brown (US 6,363,949) as applied to claim 2 above, and in further view of Lo (US 6,089,241).



Ali and Brown disclose the features discussed above, but do not disclose a threader. Lo discloses a threader (waterproof block 13) in a feeding hole. The threader (waterproof block 13) keeps the spool from becoming contaminated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a threader in the feeding hole of Ali, as taught by Lo, in order to keep the spool from becoming contaminated.

13. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (US 6,874,509) in view of Brown (US 6,363,949).

Bergman discloses the features discussed above, but does not disclose a transparent cover for the receiving chamber. Brown discloses a transparent cover (lid 5) for a receiving chamber, as discussed in column 4, lines 46-49. The cover (lid 5) is transparent so that the user can see how much floss is left when the cover is closed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the floss dispenser of Bergman with a transparent cover, as taught by Brown, in order to allow the user to see how much floss is left when the cover is closed.

#### ***Allowable Subject Matter***

14. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objection to claim 1 and in independent form including all of the limitations of the base claim and any intervening claims.

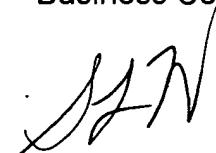
***Conclusion***


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beggs et al., Wharton, Bergman ('863), and Lo ('744) disclose flossers including tensioners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is (571) 272-4721. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
slw

  
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